

EXHIBIT 1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ANDREW L. COLBORN,

Plaintiff,

-vs-

Case No. 19-CV-0484

NETFLIX, INC., et al.,

Defendants.

* * * * CONFIDENTIAL * * * *

Video-Recorded Examination of
KENNETH PETERSEN, taken at the instance of the
Defendants, under and pursuant to the Federal Rules
of Civil Procedure, before Sarah M. Gilkay, a
Certified Realtime Reporter, Registered Merit
Reporter, and Notary Public in and for the State of
Wisconsin, at GODFREY & KAHN, S.C., 833 East Michigan
Street, Suite 1800, Milwaukee, Wisconsin, on
May 19th, 2022, commencing at 10:14 a.m. and
concluding at 2:45 p.m.

Job No. CS5223455

1 APPEARANCES IN PERSON:

2 SCHOTT, BUBLITZ & ENGEL, S.C., by
3 Ms. April Rockstead Barker
4 640 West Moreland Boulevard
5 Waukesha, Wisconsin 53188
6 Appeared on behalf of the Plaintiff.

7 GODFREY & KAHN, S.C., by
8 Mr. James A. Friedman
9 One East Main Street, Suite 500
10 Madison, Wisconsin 53703
11 Appeared on behalf of the Defendants.

12 APPEARANCES VIA ZOOM VIDEOCONFERENCE:

13 GRIESBACH LAW OFFICES, LLC, by
14 Mr. Michael Griesbach
15 830 North 12th Street
16 Manitowoc, Wisconsin 54220
17 Appeared via Zoom on behalf of the Plaintiff.

18 BALLARD SPAHR, LLP, by
19 Mr. Matthew E. Kelley
20 1909 K Street, NW, 12th Floor
21 Washington, DC 20006
22 Appeared via Zoom on behalf of the Defendant
23 Netflix, Incorporated.

24 JASSY VICK CAROLAN, LLP, by
25 Mr. Kevin L. Vick
Ms. Meghan Fenzel
355 S. Grand Avenue, Suite 2450
Los Angeles, California 90071
Appeared via Zoom on behalf of the Defendants
Chrome Media, Laura Ricciardi, and Moira Demos.

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A L S O P R E S E N T

Mr. Dalton Clements, videographer, via Zoom
Ms. Laura Ricciardi, via Zoom
Ms. Moira Demos, via Zoom

1 Q Are you ready, Sheriff Petersen?

2 A Sure. Yeah.

3 Q Do you understand this to be the statement that
4 Sgt. Colborn prepared in response to your
5 direction to him that he should prepare a
6 statement regarding that 1994 and '95 phone
7 call?

8 A It must be.

9 Q Do you recall if he provided it to you back in
10 2003?

11 A No.

12 Q Is it that you don't recall, or you don't
13 believe that he did?

14 A I don't believe he did.

15 Q Had you asked him to provide it to you?

16 A No. I told him to complete it and put it with
17 the case file, but he did it on a statement.

18 Q That would be in the -- that would be in the
19 safe?

20 A Well, he did it on a statement form. That would
21 be for a witness. What he should have done was
22 it should have been on a regular incident
23 report, and then that would have gone back
24 through the system a second time before it went
25 to the case file.

1 Q Could you please explain to me the difference
2 between incident reports and statements.

3 A Incident reports are numbered. They all -- of
4 course they all follow a sequence. One incident
5 can refer to another incident.

6 This statement doesn't even have an
7 incident number on it, so I don't know how
8 anybody that was going to file it would know
9 where to put it.

10 Q So the absence of the incident number would make
11 it harder for this to be catalogued and located
12 later?

13 A Yes. Very much so.

14 Q And you would have wanted Sgt. Colborn to
15 prepare an incident report that would have made
16 it easier to be catalogued and located later;
17 right?

18 A Yes. It would become a part of that file.

19 Q But instead he prepared this statement, which
20 did not do that; right?

21 A That's correct.

22 Q And you said this statement would then go -- it
23 would go into the case file in the safe?

24 A It would have -- it would, if they could -- if
25 they would be able to identify which case it was

1 going to. He's got no names in here.

2 Q Let's look at -- hold on one second.

3 Would someone in the Manitowoc County
4 Sheriff's Office as a matter of course review an
5 incident report, as compared to a statement?

6 A Yeah. It would go to admin. If it's an
7 incident report, it goes through the system and
8 it's given a status of whether it's active,
9 requires more investigation, or is closed or
10 unfounded.

11 Q And what if it's a statement?

12 A It's just part of the incident, so it just -- it
13 would -- depending on what else is in that
14 incident report.

15 MR. VICK: Meghan, let's look at
16 CHRM00478.

17 (Exhibit 1010 marked for identification.)

18 MS. FENZEL: I'm introducing this as
19 Exhibit 1010.

20 BY MR. VICK:

21 Q Sheriff Petersen --

22 A Yep.

23 Q -- please review this document which has been
24 marked as Exhibit 1010.

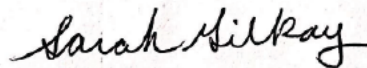
25 A Okay. You can move up. Okay.

1 STATE OF WISCONSIN)
) SS:
 2 COUNTY OF MILWAUKEE)
 3

4 I, Sarah M. Gilkay, RPR, RMR, CRR, and
 5 Notary Public in and for the State of Wisconsin,
 6 do hereby certify that the preceding deposition
 7 was recorded by me and reduced to writing under
 8 my personal direction.

9 I further certify that I am not a
 10 relative or employee or attorney or counsel of
 11 any of the parties, or a relative or employee of
 12 such attorney or counsel, or financially
 13 interested directly or indirectly in this
 14 action.

15 In witness whereof, I have hereunder
 16 set my hand and affixed my seal of office on
 17 this 6th day of June, 2022.
 18
 19
 20

21 

22 Sarah Gilkay

RPR, RMR, CRR, and Notary Public

23 My commission expires March 8th, 2026
 24
 25